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November 23, 2021

Via ECF

The Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

*The parties should submit  
a new proposed scheduling  
order by 12/10/21.  
So ordered.*

Re: *Ben Wachter Assocs., Inc., et al. v. Fernando Herradon,*  
Case No. 1:20-cv-04184 (JGK)

Dear Judge Koeltl:

*gr Koeltl  
11/23/21 d-S.D.-N.Y.*

We represent plaintiffs Ben Wachter Assocs. Inc. ("BWA") and BWA Enterprises LLC ("BWA LLC" and collectively with BWA, "Plaintiffs"). We write this letter to address a development that has recently arisen and been brought to our attention.

Although the parties have been cooperatively working together and document discovery has been undertaken thus far, Plaintiffs had sought to take non-party depositions in November and December and party depositions in January. However, we understand that Defendant Fernando Herradon's lead counsel, Mr. Stephen Bourtin, is no longer with the Boyd Law Group, PLLC and discussions and arrangements are being made regarding Mr. Herradon's representation going forward. Therefore, Plaintiffs' proposed depositions have not been scheduled and have not gone forward. In order to avoid any prejudice from these developments, and until this issue of representation is resolved, we are advised that discovery is unable to move forward. Plaintiffs therefore respectfully request that the current schedule be held in abeyance until a resolution is reached on Mr. Herradon's representation and the parties can submit proposed modifications thereto.

Respectfully,

s/Robert A. O'Hare Jr.

Robert A. O'Hare Jr.

cc: Counsel of Record (via ECF)